

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Kenneth C. Frazier,

Case No. 24-CV-1133 (PJS/JFD)

Plaintiff,

v.

**ORDER**

Hy-Vee, Inc.

Defendant.

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This matter is before the Court on the Report and Recommendation filed on January 22, 2025 (Dkt. No. 31). **IT IS HEREBY ORDERED** that:

1. Hy-Vee's Motion to Dismiss (Dkt. No. 16) is **GRANTED**.
2. This action is **DISMISSED WITH PREJUDICE** for failure to state a claim upon which relief can be granted.
3. All pending motions in this case are **DENIED** as moot.

Date: 2/20/25

s/Patrick J. Schiltz

Patrick J. Schiltz, Chief Judge  
United States District Court